

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC

Plaintiff,

v.

GERTRUDE E. ALPERN REVOCABLE TRUST, et
al.,

Defendants.

Adv. Pro. No. 10-04327 (SMB)

**DECLARATION IN FURTHER SUPPORT OF MOTION FOR SANCTIONS
AGAINST THE TRUSTEE FOR UNLAWFULLY SERVING SUBPOENAE ON BANKS
IN THIS AND SEVERAL OTHER CASES**

I, HELEN DAVIS CHAITMAN, declare pursuant to 28 U.S.C. § 1746, that the following
is true based upon my personal knowledge and documents I possess:

1. I submit this declaration in further support of my motion to dismiss the complaint
in this action and in every action in which the Trustee has violated his own representation to the
Court.

2. Annexed hereto as Exhibit 1 is the February 2, 2016 letter from Edward J. Jacobs

to the Court in this matter. In this letter, in the second paragraph, Mr. Jacobs states:

As an initial matter, the scope of the representation we presented at the January 27, 2016 conference was that we would hold the subpoenas for cases handled by M s. Chaitman in abeyance for 30 days from the Trustee's service of requests for admissions to provide the Defendants an Opportunity to admit to the relevant transfers and relevant account activity.

3. The Trustee's counsel have violated this undisputed representation. Annexed hereto as Exhibit 2 is an email I received yesterday from the Trustee's counsel serving me with discovery in the *Wilenitz* case and informing me that the Trustee intended to serve Citibank with a subpoena for all of the account holders' bank records the very next day, February 9, 2016.

February 9, 2016

/s/ Helen Davis Chaitman

CERTIFICATE OF SERVICE

I, Helen Davis Chaitman, hereby certify that I caused a true and correct copy of the foregoing document with exhibits to be served upon the parties in this action who receive electronic service through CM/ECF and by electronic mail and by hand delivery upon:

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I certify under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 9, 2016

CHAITMAN LLP

By: /s/ Helen Davis Chaitman
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*Attorneys for Roberta Schwartz Trust,
Jonathan Schwartz, as beneficiary of the
Gertrude E. Alpern Revocable Trust, and
Roberta Schwartz, as beneficiary of the
Gertrude E. Alpern Revocable Trust, as
settler and beneficiary of the Roberta
Schwartz Trust, and in her capacity as trustee
of the Robert Schwartz Trust*